

AMENDMENTS TO THE CLAIMS

The following is a copy of Applicants' claims that identifies language being added with underlining ("___") and language being deleted with strikethrough ("~~—~~"), as is applicable:

1. (Canceled)
2. (Currently Amended) A method of adjusting transmit performance parameters over a digital subscriber line (DSL), the method performed in a first DSL modem, the method comprising the steps of:
 - negotiating, with a second DSL modem, a limiting value of ~~value for~~ a first performance parameter;
 - receiving, from the second DSL modem, a signal exhibiting the first performance parameter;
 - determining a signal-to-noise-ratio for the received signal; and
 - requesting, from the second DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
3. (Previously Presented) The method of claim 2, further comprising the step of:
 - receiving, from the second DSL modem, a second signal exhibiting the first performance parameter and the adjustment in the second performance parameter.
4. (Previously Presented) The method of claim 2, wherein the second performance parameter is transmit power level.
5. (Previously Presented) The method of claim 2, wherein the second performance parameter is transmit data rate.

6. (Previously Presented) The method of claim 2, wherein said negotiating step is performed after the receiving step and before the determining step.
7. (Previously Presented) The method of claim 6, wherein said second performance parameter is transmit data rate and said first performance parameter is transmit power level.
8. (Previously Presented) The method of claim 6, wherein said second performance parameter is transmit power level and said first performance parameter is transmit data rate.
9. (Previously Presented) The method of claim 2, further comprising the step of:
selecting the second performance parameter from a plurality of possible performance parameters.
10. (Previously Presented) The method of claim 2, further comprising the step of:
repeating the receiving, determining and requesting steps until the first performance parameter of the received signal is marginally supported.
11. (Previously Presented) The method of claim 2, further comprising the step of:
repeating, using the negotiated value for the first performance parameter, the receiving, determining and requesting steps until the received signal marginally supports the adjustment to the second performance parameter.
12. (Previously Presented) The method of claim 2, wherein the received signal comprises a plurality of sub-bands, each sub-band transmitted at a transmit power level.
13. (Currently Amended) The method of claim 2, wherein receiving the signal a signal is over a primary channel and requesting the adjustment ~~an adjustment~~ is over a secondary channel.

14. (Currently Amended) A receiving digital subscriber line (DSL) modem comprising:
means for receiving, from a transmitting DSL modem, a signal exhibiting a first performance parameter;
means for negotiating, with the transmitting DSL modem, a value for the first performance parameter;
means for determining a signal-to-noise-ratio for the received signal; and
means for requesting, from the transmitting DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is transmit data rate, and wherein the second performance parameter is different from the first performance parameter.
15. (Canceled)
16. (Canceled)
17. (Canceled)
18. (Currently Amended) The receiving DSL modem of claim 14, wherein ~~said second performance parameter is transmit data rate and~~ said first performance parameter is transmit power level.
19. (Canceled)
20. (Currently Amended) The receiving DSL modem of claim 14, further comprising:
means for selecting the first second performance parameter from a plurality of possible performance parameters.

21. (Previously Presented) The receiving DSL modem of claim 14, further comprising:
means for receiving, from the transmitting DSL modem, a signal comprising a plurality of sub-bands, each sub-band transmitted at a transmit power level; and
means for determining a signal-to-noise-ratio for a sub-band in the received signal.
22. (Currently Amended) A system for adjusting transmit performance parameters over a digital subscriber line (DSL) comprising:
means for negotiating, with a DSL modem, a criteria for a first performance parameter;
means for receiving, from the DSL modem, a signal exhibiting the first performance parameter, wherein the means for receiving comprises means for receiving a signal comprising a plurality of sub-bands, each sub-band transmitted at a transmit power level;
means for determining a signal-to-noise-ratio for the received signal; and
means for requesting, from the DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
23. (Canceled)
24. (Currently Amended) The system of claim 22 ~~claim-23~~, wherein the means for determining comprises means for determining a signal-to-noise-ratio for a sub-band of the received signal.
25. (Previously Presented) The system of claim 24, wherein the means for requesting comprises means for requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.
26. (Previously Presented) The method of claim 12, wherein the determining step comprises determining a signal-to-noise-ratio for a sub-band of the received signal.

27. (Previously Presented) The method of claim 26, wherein the requesting step comprises requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.

28. (Currently Amended) The system method of claim 22, wherein the criteria for the first performance parameter is a limiting criteria.

29. (Currently Amended) The method of claim 2, wherein the limiting value of value for the first performance parameter is a minimum limiting value.

30. (Previously Presented) The receiving DSL modem of claim 14, wherein the value for the first performance parameter is a limiting value.

31. (Previously Presented) A method of adjusting transmit performance parameters over a digital subscriber line (DSL), the method performed in a first DSL modem, the method comprising the steps of:

negotiating, with a second DSL modem, a value for a first performance parameter;
receiving, from the second DSL modem, a signal exhibiting the first performance parameter, wherein the received signal comprises a plurality of sub-bands, each sub-band transmitted at a transmit power level;

determining a signal-to-noise-ratio for the received signal; and
requesting, from the second DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.

32. (Previously Presented) The method of claim 31, wherein the determining step comprises determining a signal-to-noise-ratio for a sub-band of the received signal.

33. (Previously Presented) The method of claim 32, wherein the requesting step comprises requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.

34. (Previously Presented) The method of claim 31, further comprising the step of:
repeating the receiving, determining and requesting steps until the first performance parameter of the received signal is marginally supported.

35. (Previously Presented) The method of claim 31, further comprising the step of:
repeating, using the negotiated value for the first performance parameter, the receiving, determining and requesting steps until the received signal marginally supports the adjustment to the second performance parameter.

36. (Previously Presented) The method of claim 31, wherein the second performance parameter is transmit data rate.

37. (Currently Amended) A receiving digital subscriber line (DSL) modem comprising:
- a demodulator in communication with a DSL ~~the DSL~~;
 - a memory;
 - a central processing unit (CPU) in communication with the demodulator and the memory; and
- a control program stored in the memory, the control program configured to:
- negotiate, with a transmitting DSL modem, a limiting value of ~~value for~~ a first performance parameter;
 - determine a signal-to-noise-ratio for a signal received from the transmitting DSL modem, the signal exhibiting the first performance parameter; and
 - request, from the transmitting DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is different from the first performance parameter.
38. (Previously Presented) The receiving DSL modem of claim 37, wherein the control program is further configured to select the second performance parameter from a plurality of possible performance parameters.
39. (Currently Amended) The receiving DSL modem of claim 37, wherein the control program is further configured to determine a signal-to-noise-ratio for a sub-band in the received signal, wherein the sub-band is transmitted at an associated transmit power level.
40. (Currently Amended) The receiving DSL modem of claim 39, wherein the control program is further configured to request, from the transmitting DSL modem, an adjustment in the second performance parameter associated with the sub-band of the received signal.

41. (New) The receiving DSL modem of claim 37, wherein the control program is further configured to:

receive, from the transmitting DSL modem, a second signal exhibiting the first performance parameter and the adjustment in the second performance parameter.

42. (New) The receiving DSL modem of claim 37, wherein the second performance parameter is transmit power level.

43. (New) The receiving DSL modem of claim 42, wherein said first performance parameter is transmit data rate.

44. (New) The receiving DSL modem of claim 37, wherein the second performance parameter is transmit data rate.

45. (New) The receiving DSL modem of claim 44, wherein said first performance parameter is transmit power level.

46. (New) The receiving DSL modem of claim 37, wherein the control program is further configured to:

repeat the determining and requesting steps until the first performance parameter of the received signal is marginally supported.

47. (New) The receiving DSL modem of claim 37, wherein the control program is further configured to:

repeat, using the negotiated value for the first performance parameter, the determining and requesting steps until the received signal marginally supports the adjustment to the second performance parameter.

48. (New) The receiving DSL modem of claim 37, wherein the signal is received over a primary channel and the adjustment is requested over a secondary channel.
49. (New) The method of claim 27, further comprising the step of:
receiving, from the second DSL modem, a second signal exhibiting the first performance parameter and the adjustment in the second performance parameter associated with the sub-band.
50. (New) The receiving DSL modem of claim 21, where in the means for requesting comprises means for requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.
51. (New) The receiving DSL modem of claim 50, further comprising:
means for receiving, from the transmitting DSL modem, a second signal exhibiting the first performance parameter and the adjustment in the second performance parameter associated with the sub-band.
52. (New) The receiving DSL modem of claim 30, wherein the limiting value for the first performance parameter is a maximum value.
53. (New) The receiving DSL modem of claim 14, wherein the signal is received over a primary channel and the adjustment is requested over a secondary channel.
54. (New) The system of claim 25, further comprising:
means for receiving, from the DSL modem, a second signal exhibiting the first performance parameter and the adjustment in the second performance parameter associated with the sub-band.

55. (New) The system of claim 28, wherein the limiting criteria for the first performance parameter is a maximum value.
56. (New) The system of claim 22, wherein the signal is received over a primary channel and the adjustment is requested over a secondary channel.
57. (New) The method of claim 31, wherein the second performance parameter is transmit power level.
58. (New) The method of claim 31, wherein said negotiating step is performed after the receiving step and before the determining step.
59. (New) The method of claim 58, wherein said second performance parameter is transmit data rate and said first performance parameter is transmit power level.
60. (New) The method of claim 58, wherein said second performance parameter is transmit power level and said first performance parameter is transmit data rate.
61. (New) The method of claim 31, further comprising the step of:
selecting the second performance parameter from a plurality of possible performance parameters.
62. (New) The method of claim 31, wherein the signal is received over a primary channel and the adjustment is requested over a secondary channel.

63. (New) A method of adjusting transmit performance parameters over a digital subscriber line (DSL), the method performed in a first DSL modem, the method comprising the steps of:

negotiating, with a second DSL modem, a value for a first performance parameter;
receiving, from the second DSL modem, a signal exhibiting the first performance parameter;
determining a signal-to-noise-ratio for the received signal; and
requesting, from the second DSL modem, an adjustment in a second performance parameter associated with the received signal, wherein the second performance parameter is transmit data rate, and wherein the second performance parameter is different from the first performance parameter.

64. (New) The method of claim 63, further comprising the step of:

receiving, from the second DSL modem, a second signal exhibiting the first performance parameter and the adjustment in the second performance parameter.

65. (New) The method of claim 63, wherein said negotiating step is performed after the receiving step and before the determining step.

66. (New) The method of claim 65, wherein said first performance parameter is transmit power level.

67. (New) The method of claim 63, further comprising the step of:

repeating the receiving, determining and requesting steps until the first performance parameter of the received signal is marginally supported.

68. (New) The method of claim 63, further comprising the step of:

repeating, using the negotiated value for the first performance parameter, the receiving, determining and requesting steps until the received signal marginally supports the adjustment to the second performance parameter.

69. (New) The method of claim 63, wherein the received signal comprises a plurality of sub-bands, each sub-band transmitted at a transmit power level.

70. (New) The method of claim 69, wherein the determining step comprises determining a signal-to-noise-ratio for a sub-band of the received signal.

71. (New) The method of claim 70, wherein the requesting step comprises requesting an adjustment in the second performance parameter associated with the sub-band of the received signal.

72. (New) The method of claim 63, wherein receiving the signal is over a primary channel and requesting the adjustment is over a secondary channel.